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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,643

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EXAMINER

MERKLING, MATTHEW J

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,643	Applicant(s) SCHILDER, JOHANNES GERARDUS MARIA	
	Examiner MATTHEW J. MERKLING	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/25/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I (claims 1-12 and 16-19) in the reply filed on 3/30/2010 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "the supply conduit" in line 3. There is insufficient antecedent basis for this limitation in the claim. For purposes of this examination, the limitation "the supply conduit" will be interpreted as being directed to the term "the internal supply conduit".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1795

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (US 4,046,541).

Regarding claims 1 and 9, Anderson discloses reactor vessel (Fig. 2) comprising a reaction area (area above spray ring 126) and, disposed gravitationally lower than the reaction area, a slag water bath (107, see Fig. 2) for holding water and receiving char and/or slag from the reaction area (col. 4, lines 67 - col. 5 line 6), and

a spray ring (126), for wetting char and/or slag in a water bath with a wetting fluid (see Fig. 3 which illustrates the spray ring, and see abstract which discloses a slag cooling system), the spray ring (126) comprising a loop conduit arranged in a loop-line (see Fig. 3 which illustrates the spray ring 126 in the shape of a loop), which loop conduit is at an inlet point provided with an inlet for feeding the wetting fluid into the loop conduit in an inlet flow direction (see col. 6 lines 11-28 which discloses that the loop conduit 126 is fixed with a plurality of inlet conduits 125 that feed cooling fluid into the loop conduit), and with a plurality of outlet openings for spraying the wetting fluid out of the loop conduit (see col. 6 lines 32-37 which discloses that the loop conduit can include spray nozzles for directing the cooling fluid into the gasifier), wherein the inlet flow direction has a component that is tangential to a loop-line flow direction of the wetting fluid through the loop conduit at the inlet point (see Fig. 3 which illustrates the tangential introduction of cooling fluid into the spray ring 126 from nozzles 125), and

Art Unit: 1795

said spray ring (126) being arranged above the water surface (107) of the water in the slag water bath (see Fig. 2).

Regarding claim 2, Anderson further discloses the loop conduit (126) forms a peripheral ambit around an encompassed area (see Fig. 2 and Fig. 3 which illustrate that spray ring 126 is circular loop that encompasses an area) and whereby the outlet openings are directed such that the outlet flow direction of the wetting fluid has a component directed inwardly towards the encompassed area (see col. 6 lines 32-37 which discloses that the loop conduit can include spray nozzles for directing the cooling fluid toward the center of the loop circuit/axis of the duct).

Regarding claim 6, Anderson further discloses a plurality of, preferably three or more (see Fig. 3 which illustrates a plurality of inlets), inlets are provided in a plurality of inlet points, whereby the inlet flow direction in each of the inlet points has a component that is tangential to the loop-line flow direction in each inlet point (see Fig. 3).

Regarding claim 7, Anderson further discloses the plurality of inlet points are equally distributed along the loop conduit (see Fig. 3).

Regarding claim 8, Anderson further discloses the included angle between the inlet flow direction and the loop-line flow in each inlet point is less than 80° (see Fig. 3 which clearly illustrates an angle between the loop-line flow and the inlet flow direction is less than 80°).

6. Claims 1, 2, 4, 5, 9-12 and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Segerstrom (EP 0318071 A1).

Regarding claims 1 and 9, Segerstrom discloses reactor vessel (Fig. 1) comprising a reaction area (area above spray ring 26) and, disposed gravitationally lower than the reaction area, a slag water bath (28, see Fig. 1) for holding water and receiving char and/or slag from the reaction area (col. 3, lines 36-42), and

a spray ring (26), the spray ring comprising a loop conduit arranged in a loop-line (see Fig. 5 which illustrates a spray ring), which loop conduit is at an inlet point provided with an inlet for feeding the wetting fluid into the loop conduit in an inlet flow direction (see Figs. 2 and 5 which illustrate an inlet point where fluid enters the spray ring from an inlet conduit), and with a plurality of outlet openings (12, see Fig. 5) for spraying the wetting fluid out of the loop conduit, wherein the inlet flow direction has a component that is tangential to a loop-line flow direction of the wetting fluid through the loop conduit at the inlet point (the inlet flow direction, which is viewed as being the flow direction of the fluid at or near the physical connection of the inlet pipe to the spray ring, will have at least a component of the flow direction that is tangential to the flow direction of the loop line conduit/spray ring because the flow of the fluid will change directions at the inlet of the loop line conduit/spray ring),

said spray ring (26) being arranged above the water surface (28) of the water in the slag water bath (see Fig. 1).

The examiner notes that the limitation contained in claims 1 and 9, which states "wherein the inlet flow direction has a component that is tangential to a loop-line flow direction of the wetting fluid" does not distinguish itself over the apparatus of Segerstrom. More specifically, because Applicant is claiming the "component" of the

flow, it is the examiner's position that the shifting flow of Segerstrom when it enters the spray ring/loop circuit (26) from the vertical conduit pictured in Fig. 1 will indeed have a component of the flow that is tangential to the loop conduit flow direction.

Regarding claims 2 and 17, Segerstrom further discloses the loop conduit forms a peripheral ambit around an encompassed area (see Fig. 5 which illustrates a loop formed around a central area) and whereby the outlet openings are directed such that the outlet flow direction of the wetting fluid has a component directed inwardly towards the encompassed area (see Fig. 1 which illustrates the spray from the outlet openings is directed toward the central area).

Regarding claims 4, 16 and 19, Segerstrom further discloses the conduit (spray ring 26) forming the loop conduit has an internal cross sectional contour in a plane perpendicular to the loop-line flow direction that is free from a convex section (See Fig 2 which illustrates a circular cross section, which is free from a convex section).

Regarding claim 5, Segerstrom further discloses the loop conduit extends in a two-dimensional plane (see Fig. 5) and the inlet point is provided in the outer peripheral wall of the loop conduit (see Figs. 1 and 5 where the inlet conduit (not labeled) is the same diameter of the loop conduit, which means that while the inlet conduit does not approach the loop circuit in the same plane (it is perpendicular), the inlet point does extend across the entire diameter of the loop circuit, including the outer peripheral wall).

Regarding claim 10, Segerstrom further discloses the reactor vessel is provided with an inlet port (see flange on right side of vessel in Fig. 1 which is fluidly connected to the spray ring 26) for connecting to a wetting fluid supply, whereby the inlet port is located

Art Unit: 1795

gravitationally higher than the spray ring (see Fig. 1 where the inlet port is located above the spray ring 26), and wherein the inlet opening of the spray ring is connected to the inlet port via an internal supply conduit (see Fig. 1 where the vertical portion of the conduit is the internal supply conduit).

Regarding claim 11, Segerstrom further discloses the internal supply conduit extends exclusively non-horizontally (internal supply conduit is the vertical portion of the conduit pictured in Fig. 1 for feeding the spray ring with fluid).

Regarding claim 12, Segerstrom further discloses the internal supply conduit (vertical portion of the conduit connecting the inlet port to the spray ring) is connected to the inlet port via a distribution box (horizontal portion of the conduit in Fig. 1 is the distribution box), which distribution box is provided with an access port in a wall part (hole in vessel wall, see Fig. 1) opposite the 'internal' supply conduit (see Fig. 1) and essentially in line with the 'internal' supply conduit (see Fig. 1 where the inlet port, distribution box (horizontal portion of pipe) and internal supply conduit are in line with each other).

Regarding claim 18, Segerstrom further discloses the plurality of outlet openings are directed directly to the water surface (see Fig. 1 which illustrates the outlet openings direct water at the water surface 28).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1795

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segerstrom (EP 0318071 A1) in view of Ellis (US 4,000,753).

Regarding claim 3, Segerstrom teaches removable nozzles (12) that comprise a threaded piece (see Fig. 3) to attach the nozzle to the spray ring (col. 4 lines 10-18). Segerstrom, however, does not explicitly disclose that the outlet openings comprise a flange to connect nozzles.

Ellis also discloses nozzles which are attached to a distribution means to inject water/fluid (see abstract).

Ellis teaches a nozzle (38) that comprises threads (54) for securing the nozzle to the distribution means (boss, 36). Ellis also teaches a flange (56) that is connected to the nozzle (see Fig. 3) and is bolted to the distribution means/boss (see Fig. 3). Ellis teaches such a configuration in order to provide a securing means so the nozzle does not inadvertently become loosened (col. 3 lines 10-16) as well as providing a means to prevent unauthorized removal of the nozzle (see abstract).

Art Unit: 1795

As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the nozzle flange of Ellis to the outlet nozzles of Segerstrom in order to provide a securing means so the nozzle does not inadvertently become loosened as well as providing a means to prevent unauthorized removal of the nozzle.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segerstrom (EP 0318071 A1).

Regarding claim 6, Segerstrom discloses a single inlet at a single inlet point wherein the inlet flow direction has a component that is tangential to the loop-line flow direction (as discussed above and illustrated in Fig. 1). Segerstrom does not explicitly disclose a plurality of inlets are provided in a plurality of inlet points. However, such a modification is nothing more than a duplication of system parts. A mere duplication of parts has no patentable significance unless a new and unexpected result is produced (see MPEP §2144.04 (VI) (B)). Furthermore, increasing the number of inlets to the loop conduit would have been obvious to one of ordinary skill in the art at the time of the invention in order to increase the amount of coolant water that can be flowed through the spray ring of Segerstrom and increase the amount of cooling of the descending slag).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. MERKLING whose telephone number is (571)272-9813. The examiner can normally be reached on M-F 8:30-4:30.

Art Unit: 1795

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexa Neckel can be reached on (571) 272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew J Merkling/
Examiner, Art Unit 1795